

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14216, of Jessie B. Mason, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a reinstatement of BZA Order No. 13767, dated January 18, 1983, for variances from the lot occupancy requirements (Sub-section 3303.1) and the accessory building location requirements (Sub-paragraph 7401.11) for a proposed rear addition to a semi-detached dwelling in an R-2 District at the premises 612 Oneida Place, N.W., (Square 3202, Lot 261).

HEARING DATE: December 12, 1984

DECISION DATE: December 12, 1984 (Bench Decision)

FINDINGS OF FACT:

1. In BZA Order No. 13767, dated January 18, 1983, the Board granted the same relief to the same applicant for the same site as requested in the subject application.

2. The applicant failed to obtain a building permit within the six months time prescribed and the Order of the Board was no longer effective.

3. The Board incorporates by reference all of the Findings of Fact and Conclusions of Law contained in Order No. 13767, a copy of which is attached.

4. There was no opposition to the application.

5. Advisory Neighborhood Commission 4B, by letter dated November 26, 1984, recommended approval of the application. No reasons were given for the approval.


CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the Findings of Fact and the Conclusions of Law set forth in Order No. 13767, dated January 18, 1983, are still valid and are applicable to the subject application. Accordingly, it is therefore ORDERED that the subject application is GRANTED.

VOTE: 4-0 (Lindsley Williams, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 FEB 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14216order/LJPB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13767 of Jessie B. Mason, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and the accessory building location requirements (Sub-paragraph 7401.11) for a proposed rear addition to a semi-detached dwelling in an R-2 District at the premises 612 Oneida Place, N.W., (Square 3202, Lot 261).

HEARING DATE: June 16, 1982

DECISION DATE: July 7, 1982

FINDINGS OF FACT:

1. The application appeared on the Preliminary Calendar for the public hearing of June 16, 1982. The affidavit of posting evidenced that the property was posted one day prior to the public hearing instead of ten days as required by the Rules. It was posted on June 15, 1982. The affidavit of posting was filed one day prior to the public hearing instead of the five days required by the Rules. It was filed on June 15, 1982. The applicant testified that the property was actually posted on June 1, 1982 and that in filling out the affidavit of posting she had erred in inserting June 15, 1982, the date of filing the affidavit, instead of June 1, 1982. The Chair waived the Rules on the issue of the late filing of the affidavit.

2. The subject property is located on the south side of Oneida Place between 5th and 7th Streets, N.W. at premises known as 612 Oneida Place, N.W. It is in an R-2 District.

3. The subject site is rectangular in shape measuring 30.61 feet wide by 88.25 feet deep. The property contains approximately 2701.33 square feet of area. A change in grade of approximately four feet exists between the side yard and rear yard.

4. The site is currently improved with a two-story brick semi-detached dwelling used as a single family residence which the applicant has occupied for approximately twenty-eight years. The structure is attached to a similar dwelling on the west side and measures approximately 21.67 feet wide by 42.4 feet deep. At the rear of the structure, a 4.5 by 10.92 foot open court exists at the southeast

corner of the building. Access to the rear yard is through the kitchen area.

5. A similar court exists on the adjoining property to which the subject structure is attached.

6. An accessory building used as a garage is located in the rear yard. The garage measures approximately 9.92 feet wide by 17.92 feet deep. The east side of the garage is located on the eastern lot line. The garage is set back from the rear lot line 3.85 feet. The north side of the garage is 3.58 feet from the main house. A low chain-link fence encloses the rear yard.

7. The applicant proposes to construct a one-story rear addition which would fill the existing open court and further extend into the rear yard 5.5 feet beyond the present building line. The addition would extend from the western lot line 9.75 feet.

8. The applicant testified that the addition would be used as a breakfast room and greenhouse since growing flowers is her hobby.

9. The addition would provide access to the rear yard from the existing house. Windows are provided on the southern wall of the addition. There would also be a four by four foot skylight in the ceiling. Exterior lighting is to be provided. The rear yard will be landscaped and enclosed with a new six foot high wood fence. Materials used to construct the addition will match the existing house.

10. The R-2 District allows a maximum lot occupancy of forty percent, or 1,080.53 square feet for the subject lot. The existing house and garage occupy 1044.64 square feet. The proposed addition would occupy 111.61 square feet for a total lot coverage of 1,156.25 square feet. A variance of 75.72 square feet or seven percent is required.

11. The R-2 District requires a side yard of eight feet. A side yard of 8.42 feet is provided. The R-2 District requires a rear yard of twenty feet. A rear yard of twenty feet is provided.

12. The proposed rear addition will extend into the present rear yard and will extend beyond the existing garage by 1.92 feet. This overlap causes the northernmost portion of the existing garage to fall within the side yard of the building. Under the provisions of Sub-paragraph 7401.11, that portion of the existing garage in the side yard would be required to be set back from the eastern lot line eight feet. The existing garage is located on the eastern

property line. A variance of eight feet or 100 percent is thus required for the northern 1.92 feet of the garage.

13. No report was received from Advisory Neighborhood Commission 4B.

14. Zechariah Miller of 614 Oneida Place, N.W. appeared in opposition to the application. Mr. Miller's residence is the adjoining property to the west. Mr. Miller stated the following issues as the basis for his opposition:

- a. The proposed addition would impact the use and enjoyment of his home.
- b. The proposed addition would block light and air from reaching his kitchen and screened in porch.
- c. The proposed addition would diminish the value of his home. Mr. Miller submitted into the record a statement furnished by an architect as to the impact of the proposed addition on the value of his property.
- d. The applicant has not proven the practical difficulty as required under the Zoning Regulations for a variance case.

15. In response to the issues raised by Mr. Miller, the Board finds as to issue "d" that the unique condition of the subject property lies in the substandard lot area having approximately 300 square feet less than the minimum 3,000 square feet required in the R-2 District. If the subject lot met the minimum 3,000 square foot area requirement, the existing house plus the addition would conform to the lot occupancy requirements. The Board notes that an addition, occupying a slightly smaller area, could also be constructed as a matter-of-right. Such an addition, if constructed as a matter-of-right, could have been two stories in height, which would have created for a more adverse circumstance for the adjoining property and still not be subject to the Board's review.

16. As to issues "a" and "b," the Board finds that the proposed addition is of minimal size and height. Having a depth of ten feet at the common property line and a height of approximately ten feet at the main structure and sloping to approximately eight feet at the new building line, the blockage of light and air is minimal, and the addition will not have an adverse effect on the use and enjoyment of the adjoining property. As to issue "c", the Board finds that the addition will be of quality construction and the materials used will be compatible with the existing house.

In addition, the new landscaping, exterior lighting and a six foot high wood fence to enclose the rear yard will contribute to an increase in the value of the subject property as well as the value of adjacent lots. The Board does not find the opinion of the architect who prepared a statement for the adjoining property owner, to be persuasive. He is not a real estate expert and a "brief" examination of the proposed addition is not likely to produce a reliable substantive opinion. Also, his opinion was not subject to cross-examination.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board notes that the main strture and garage were built prior to the adoption of the current Zoning Regulations and on a lot which is substandard in area. The Board finds that the proposed addition would provide additional living space to the subject structure. The addition is restricted in size by the location of the existing garage. The existing rear yard and the configuration of the rear of the house permit a reasonable size addition to be built without creating a non-conforming rear yard. Because of the close proximity of the existing garage to the house, the addition causes a small portion of the garage to fall within the side yard. The location requirements of Sub-paragraph 7401.11 can not be met because the existing garage is contiguous with the eastern property line. The Board concludes that there is a unique circumstance in the land whereby the applicant can not meet the set back requirements. The Board further concludes that the lot occupancy variance is minimal.


The Board further concludes that the proposed one-story addition will not adversely affect the light and air of the adjoining lots. The ten foot high addition will slope approximately two feet from the existing building to eight feet in height at the new building line. The addition will be finished in material which will match the existing house and a new six-foot high solid wood fence is to be erected. The improvements will be of quality construction and design and will not adversely effect the value of adjoining property.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impising the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 5-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh, Douglas J. Patton and Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 18 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13767order/KATHY5